IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND NOVEMBER 2007 / 1ST AGRAHAYANA 1929

Crl.MC.No. 3506 of 2007()

CMP.5450/2007 of CHIEF JUDICIAL MAGISTRATE, KASARAGOD

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PETITIONER: 2ND ACCUSED

SHINTO, S/O.OUSEPH,
KUTTIKKATTIL VEEDU, MANNALI,
CHARANELLUR, THALAKKOTTUKARA.

BY ADV. SMT.RASHMI.K.V.

RESPONDENTS: COMPLAINANT AND STATE

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1. THE S.I. OF POLICE,
KUMBALA POLICE STATION, KASARAGOD.

2. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.R.RAVEENDRA BABU

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.Nos.3506 & 3507 of 2007

Dated this the 22nd day of November 2007

O R D E R

The petitioners in these cases are accused 2 and 3 in a crime registered for offences punishable under Sections 457, 461 and 380 read with 34 I.P.C. By identical orders passed on 13/11/2007 and 15/11/2007, the learned Magistrate granted them default bail under the proviso to Section 167(2) Cr.P.C. But a condition was imposed that the petitioners must execute bonds for Rs.50,000/- with two solvent sureties each for the like sum. The petitioner is aggrieved by the further stipulation that the sureties must produce solvency certificates to prove their solvency for the said amount.

2. The petitioners are languishing in custody from 13/9/2007. There is no one to look after their interest outside. Insistence on production of solvency certificates would virtually deny the benefit of the order of bail to the petitioners. The petitioners, in these circumstances, pray that the rigid insistence on solvency certificates may not be made. The petitioners shall produce sureties with original title deeds and shall satisfy the

learned Magistrate about their solvency, sufficiency and adequacy. The rigid insistence on production of solvency certificates may not be made. This is the short prayer made by the petitioners.

3. In the facts and circumstances of this case, I find merit in the prayer of the learned counsel for the petitioner. I am satisfied that rigid insistence on production of solvency certificates which would entail needless waste of time can be avoided and the learned Magistrate can be directed to carefully scrutinise whatever materials the sureties are able to produce and to carefully take a decision whether they can be accepted as sureties or not.

4. These petitions are in these circumstances allowed to the above extent.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007